



Rep. Jay Hoffman

**Filed: 3/13/2013**

09800HB0830ham001

LRB098 03660 RLC 42192 a

1 AMENDMENT TO HOUSE BILL 830

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 830 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Unified Code of Corrections is amended by  
5 changing Section 5-9-3 as follows:

6 (730 ILCS 5/5-9-3) (from Ch. 38, par. 1005-9-3)  
7 Sec. 5-9-3. Default.

8 (a) An offender who defaults in the payment of a fine or  
9 any installment of that fine may be held in contempt and  
10 imprisoned for nonpayment. The court may issue a summons for  
11 his appearance or a warrant of arrest.

12 (b) Unless the offender shows that his default was not due  
13 to his intentional refusal to pay, or not due to a failure on  
14 his part to make a good faith effort to pay, the court may  
15 order the offender imprisoned for a term not to exceed 6 months  
16 if the fine was for a felony, or 30 days if the fine was for a

1 misdemeanor, a petty offense or a business offense. Payment of  
2 the fine at any time will entitle the offender to be released,  
3 but imprisonment under this Section shall not satisfy the  
4 payment of the fine.

5 (c) If it appears that the default in the payment of a fine  
6 is not intentional under paragraph (b) of this Section, the  
7 court may enter an order allowing the offender additional time  
8 for payment, reducing the amount of the fine or of each  
9 installment, or revoking the fine or the unpaid portion.

10 (d) When a fine is imposed on a corporation or  
11 unincorporated organization or association, it is the duty of  
12 the person or persons authorized to make disbursement of  
13 assets, and their superiors, to pay the fine from assets of the  
14 corporation or unincorporated organization or association. The  
15 failure of such persons to do so shall render them subject to  
16 proceedings under paragraphs (a) and (b) of this Section.

17 (e) A default in the payment of a fine, fee, cost, order of  
18 restitution, judgment of bond forfeiture, judgment order of  
19 forfeiture, or any installment thereof may be collected by any  
20 and all means authorized for the collection of money judgments.  
21 The State's Attorney of the county in which the fine, fee,  
22 cost, order of restitution, judgment of bond forfeiture, or  
23 judgment order of forfeiture was imposed may retain attorneys  
24 and private collection agents for the purpose of collecting any  
25 default in payment of any fine, fee, cost, order of  
26 restitution, judgment of bond forfeiture, judgment order of

1 forfeiture, or installment thereof. An additional fee of 30% of  
2 the delinquent amount and each taxable court cost including,  
3 without limitation, costs of service of process, shall ~~is to~~ be  
4 charged to the offender for any amount of the fine, fee, cost,  
5 restitution, or judgment of bond forfeiture or installment of  
6 the fine, fee, cost, restitution, or judgment of bond  
7 forfeiture that remains unpaid after the time fixed for payment  
8 of the fine, fee, cost, restitution, or judgment of bond  
9 forfeiture by the court. The additional fee shall be payable to  
10 the State's Attorney in order to compensate the State's  
11 Attorney for costs incurred in collecting the delinquent  
12 amount. The State's Attorney may enter into agreements  
13 assigning any portion of the fee to the retained attorneys or  
14 the private collection agent retained by the State's Attorney.  
15 Any agreement between the State's Attorney and the retained  
16 attorneys or collection agents shall require the approval of  
17 the Circuit Clerk of that county. A default in payment of a  
18 fine, fee, cost, restitution, or judgment of bond forfeiture  
19 shall draw interest at the rate of 9% per annum.

20 (Source: P.A. 95-514, eff. 1-1-08; 95-606, eff. 6-1-08; 95-876,  
21 eff. 8-21-08.)".